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IN THE HIGH COURT OF KARNATAKA AT BANGALORE
DATED THIS THE 18TH DAY OF JUNE 1998

BEFORE:

%H# HON'BLE MR.JUSTICE M.F.SALDANHA

WRIT PETITION NO. 18005/1998

BETWEEN:

Sri.Pralahadgir S/o late Prasadgir,
age: major, r/o.Chitgappa Town,
Humnabad Taluk, Bidar District.

... PETITIONER

(By Smt.Nandita Haldipur, Advocate,,)

A N D:

1. Land Tribunal, Humnabad,
by its Chairman.
2. Sri Gundareddy S/o Narasareddy,
major, r/o Akheli village, Nirna
Humnabad Taluk.
3. Sri Pratapgiri, s/o late
Prasadgiri, major, r/o Nirna,
Humnabad Taluk, Bidar.
4. Sri.Pattegiri s/o late
Ramagir Chella Ramachandragir,
major, r/o Gosaimath Ramdaval
Chitgappa, Humnabad Taluk,
Bidar District.

5. The Tahsildar, Humnabad Taluk,
Humnabad, Bidar District. ... RESPONDENTS

(By Sri S.V.Jagannath, Addl.Govt.Adv., for R1 & R5.,)

Writ Petition filed under Articles 226 and 227
of the Constitution of India, praying to quash
vide Annexure-B dated 20-3-98 by R1 etc.,

This Petition coming on for preliminary
hearing this day, the Court made the following:-

ORDER



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O R D E R

I have heard the petitioner's learned Counsel as also the learned Govt. Advocate who takes notice for R-1. At the inception, it was pointed out to me that this writ petition is connected with W.P.NO.12796/1998 which has been remanded by the High Court to the Tribunal for a re-determination because the Tribunal had overlooked the specific direction of the High Court that the point regarding Section 108 of the Act had to be examined and that issue determined. The Tribunal has been directed to issue notice to all the interested parties i.e. the contesting parties and they will therefore be heard on merits. The formality of going through the procedure of serving the notice on each of them will only delay the remand which is ^{wholly} unnecessary.

2. Having regard to that position, the order impugned in this case is set-aside and the proceeding is remanded to the Tribunal with the same direction as that contained in W.P.NO.12796/1998 disposed of on 9-6-1998. The Petition succeeds to this extent. No order as to costs.

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3. The additional point that has arisen here is that the petitioner is litigating in his capacity as a L.R. and this aspect of the matter will also have to be examined by the Tribunal.

Sd/-
JUDGE

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MSU/*290698

